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THE

FIFTH LEGISLATURE

OF THE

TERRITORY OF HAWAII

SPECIAL SESSION

JOURNAL OF THE HOUSE

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1909

HONOLULU, HAWAII
PARADISE OF THE PACIFIC PRESS
1909

ARRANGED AND COMPILED

BY

EDWARD WOODWARD

MEMBERS OF THE HOUSE

Name.	District.	Island.	P. O. Address.
Affonso, G. F.....	1	Hawaii	Hilo
Carley, E. B.....	3	Maui	Paia
Castro, A. D.....	4	Oahu	Honolulu
Cohen, J. C.....	4	Oahu	Honolulu
Coney, J. H.....	6	Kauai	Lihue
Correa, S. P.....	5	Oahu	Honolulu
Douthitt, E. A.....	4	Oahu	Honolulu
Furtado, M. T.....	1	Hawaii	Honokaa
Hihio, J. K.....	3	Maui	Lahaina
Holstein, H. L. (Speaker)....	2	Hawaii	Kohala
Huddy, G. H.....	6	Kauai	Lihue
Kaleiopu, A. S.....	5	Oahu	Honolulu
Kama, D. K.....	5	Oahu	Honolulu
Kamahu, D.....	5	Oahu	Honolulu
Kamanoulu, J. K.....	4	Oahu	Honolulu
Kaniho, H. M.....	2	Hawaii	Kohala
Kawaakoa, J. W.....	3	Maui	Kaupo
Kawewehi, H. L.....	2	Hawaii	Keauhou, N. Kona
Kealawaa, M. K.....	1	Hawaii	Hilo
Kinney, R.....	5	Oahu	Haleiwa, Waialua
Like, E. L.....	5	Oahu	Honolulu
Long, E. A. C.....	4	Oahu	Honolulu
Makekau, M. K.....	2	Hawaii	Napoopoo, S. Kona
Moanauli, J. W.....	1	Hawaii	Honokaa
Nakaleka, J.....	3	Molokai	Halawa
Nawahine, R. J. K.....	3	Maui	Waihee
Rice, C. A. (Vice-Speaker)...	6	Kauai	Lihue
Sheldon, W. J.....	6	Kauai	Waimea
Shingle, R. W.....	4	Oahu	Honolulu
Waiwaiole, M. P.....	3	Maui	Wailuku

189846

OFFICERS OF THE HOUSE

Speaker	Hon. H. L. Holstein
Vice-Speaker	Hon. Chas. A. Rice
Clerk	Edward Woodward
Interpreter	R. N. Boyd
Sergeant-at-Arms	Harry Kahale
Chaplain	Rev. W. N. Lono
Messenger	James Apau
Janitor	S. W. Kahiona

STANDING COMMITTEES OF THE HOUSE

RULES—Sheldon, W. J., Chairman; Moanauli, J. W., Kama, D. K., Kinney, R., Kawaakoa, J. W.

FINANCE—Rice, C. A., Chairman; Cohen, J. C., Shingle, R. W., Nakaleka, J., Makekau, M. K.

AGRICULTURE AND FORESTRY, PROMOTION AND IMMIGRATION—Shingle, R. W., Chairman; Huddy, G. H., Castro, A. D., Furtado, M. T., Kawaakoa, J. W.

EDUCATION—Long, E. A. C., Chairman; Carley, E. B., Correa, S. P., Affonso, G. F., Like, E. L.

HEALTH AND POLICE—Coney, J. H., Chairman; Kaleiopu, A. S., Nakaleka, J., Kamanoulu, J. K., Kawewehi, H. L.

MILITARY—Affonso, G. F., Chairman; Kaniho, H. M., Like, E. L., Hihio, J. K., Kealawaa, M. K.

MISCELLANEOUS—Carley, E. B., Chairman; Kaniho, H. M., Kamahu, D., Kawewehi, H. L., Nawahine, R. J. K.

ACCOUNTS AND PUBLIC EXPENDITURES—Castro, A. D., Chairman; Rice, C. A., Furtado, M. T., Kama, D. K., Kamahu, D.

PUBLIC LANDS AND INTERNAL IMPROVEMENTS—Kaleiopu, A. S., Chairman; Moanauli, J. W., Douthitt, E. A., Cohen, J. C., Huddy, G. H., Nawahine, R. J. K., Hihio, J. K.

PRINTING—Correa, S. P., Chairman; Kamanoulu, J. K., Makekau, M. K., Waiwaiole, M. P., Kinney, R.

JUDICIARY—Douthitt, E. A., Chairman; Sheldon, W. J., Long, E. A. C., Coney, J. H., Waiwaiole, M. P.

PROCLAMATION

I, WALTER F. FREAR, Governor of the Territory of Hawaii, hereby convene the Legislature in special session on Tuesday, the second day of November, Nineteen Hundred and Nine, for the consideration of proposed amendments of the Organic Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed. DONE at the Capitol in Honolulu this nineteenth day of October, Nineteen Hundred and Nine.

WALTER F. FREAR.

CONTENTS

Page

FIRST DAY, November 2, 1909 1

SECOND DAY, November 3, 1909 26

THIRD DAY, November 4, 1909 29

FOURTH DAY, November 5, 1909 34

FIFTH DAY, November 6, 1909 49

EXPENSES OF THE SESSION 63-66

ORDER OF INDEX 67

INDEX 68-72

THE FIFTH LEGISLATURE

OF THE

TERRITORY OF HAWAII

IN SPECIAL SESSION

JOURNAL OF THE HOUSE

FIRST DAY.

Honolulu, Tuesday, November 2, 1909.

The House was called to order at 10 o'clock A. M. by Edward Woodward, Esq., Clerk, who read a communication from the Secretary to the Governor of Hawaii, also copy of Proclamation enclosed therein, (Dept. Com. No. 1), as follows·

EXECUTIVE CHAMBER,
Honolulu, Hawaii.

November 2, 1909.

Edward Woodward, Esq.,
Clerk, House of Representatives,
Honolulu, T. H.

Sir:

By direction of the Governor, I have the honor to transmit herewith a copy of a Proclamation issued by the Governor under date of October 19, 1909, convening the Legislature in special session on November 2, 1909, for the consideration of proposed amendments of the Organic Act.

Very respectfully,

CLAUDIUS H. McBRIDE,
Secretary to the Governor.

PROCLAMATION.

I, WALTER F. FREAR, Governor of the Territory of Hawaii, hereby convene the Legislature in special session on Tuesday, the second day of November, Nineteen Hundred and Nine, for the consideration of proposed amendments of the Organic Act.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the Territory of Hawaii to be affixed.

(SEAL) DONE at the Capitol in Honolulu this nineteenth day of October, Nineteen Hundred and Nine.

(Signed) WALTER F. FREAR.

After the reading of same, Speaker Holstein took the Chair and called on Chaplain Lono to invoke the Divine Blessing.

Roll Call. Present: Affonso, Carley, Castro, Cohen, Coney, Correa, Douthitt, Furtado, Hihio, Huddy, Kaleiopu, Kama, Kamahu, Kaniho, Kawaakoa, Kawewehi, Kealawaa, Kinney, Like, Long, Makekau, Moanauli, Nakaleka, Nawahine, Rice, Sheldon, Waiwaiole and Mr. Speaker. Total 28.

Excused: Shingle. Total 1.

Came in later: Kamanoulu. Total 1.

Mr. Sheldon presented a Resolution concerning the election of Officers and appointment of Standing Committees for the

Special Session; also the adoption of the Rules of Procedure of the Regular Session; and other matters, (House Res. No. 1), as follows:

RESOLUTION.

Be it Resolved by the House of Representatives of the Fifth Legislature of Hawaii in Special Session Assembled on November 2, 1909:

1. That the Officers of the Regular Session, namely:
   Honorable H. L. Holstein, Speaker,
   Honorable Charles A. Rice, Vice-Speaker,
   Edward Woodward, Esquire, Clerk,
   Harry Kahale, Esquire, Sergeant-at-Arms,
   Reverend W. N. Lono, Chaplain,
   James Apau, Esquire, Messenger, and
   S. W. Kahiona, Esquire, Janitor,

are hereby declared to be the Officers of this Special Session, except that of William H. Beers, Esquire, Interpreter, for which vacancy Robert N. Boyd, Esquire, is hereby declared elected to fill such position;

2. That the Rules of Procedure adopted in the regular session of 1909 be and the same are hereby adopted as the rules of procedure of this Special Session, excepting Section 35, which is hereby suspended, the duties therein defined to be exercised by the Clerk of the House under the supervision of the Speaker, the Chairman of the Committee on Accounts and Public Expenditures, and the Chairman of the Committee on Revision and Printing;

3. That the standing committees as appointed and organized at the regular session are hereby declared to be the standing committees of this Special Session;

4. That the pay of the Officers shall be as prescribed during the regular session, excepting that of Chaplain, who shall receive as compensation the sum of seventy-five dollars;

5. That on the adoption of this Resolution a Committee be appointed by the Speaker to notify the Governor and the Senate that the House of Representatives of the Fifth Legislature in Special Session is ready to proceed with public business;

6. That the House shall convene at 10 o'clock A. M. on each and every morning.

WM. J. SHELDON,
Chairman of the Committee on Rules of Procedure, and Member from the Sixth Representative District, Territory of Hawaii.

Dated at Honolulu, November 2, 1909.

On motion by Mr. Rice, seconded by Mr. Long, the Resolution was adopted, and the following were declared elected Officers of the House for the Special Session of 1909:

Speaker.....Hon. H. L. Holstein
Vice-Speaker.....Hon. Chas. A. Rice
Clerk.....Edward Woodward, Esq.
Interpreter.....Robert N. Boyd, Esq.
Sergeant-at-Arms.....Harry Kahale, Esq.
Chaplain.....Rev. W. N. Lono
Messenger.....James Apau, Esq.
Janitor.....S. W. Kahiona, Esq.

The Chair declared the following Standing Committees duly appointed for the Special Session of 1909:

Committee on Rules: Sheldon, Moanauli, Kama, Kinney and Kawaakoa;

Committee on Finance: Rice, Cohen, Shingle, Nakaleka and Makekau;

Committee on Agriculture, Forestry, Promotion and Immigration: Shingle, Huddy, Castro, Furtado and Kawaakoa;

Committee on Education: Long, Carley, Correa, Affonso and Like;

Committee on Health and Police: Coney, Kaleiopu, Nakaleka, Kamanoulu and Kawewehi;

Committee on Military: Affonso, Kaniho, Like, Hihio and Kealawaa;

Committee on Miscellany: Carley, Kaniho, Kamahu, Kawewehi and Nawahine;

Committee on Public Expenditures and Accounts: Castro, Rice, Furtado, Kama and Kamahu;

Committee on Public Lands and Internal Improvements: Kaleiopu, Moanauli, Douthitt, Cohen, Huddy, Nawahine and Hihio;

Committee on Enrollment, Revision and Printing: Correa, Kamanoulu, Makekau, Waiwaiole and Kinney;

Committee on Judiciary: Douthitt, Sheldon, Long, Coney and Waiwaiole.

The Chair appointed the following as a Special Committee to notify the Senate and the Governor that the House has been duly organized and ready for business:

Representatives Douthitt, Kawewehi and Like.

At 10:15 o'clock A. M., on motion by Mr. Coney, seconded by Mr. Correa, the House took a recess subject to the call of the Chair.

Upon reconvening at 10:50 o'clock A. M., Mr. Douthitt, for the Special Committee appointed by the Chair, verbally reported that the Senate was duly organized and ready to transact business, and that the Governor is prepared to submit his message to the Legislature.

The Clerk read a communication from the Senate, informing the House of its organization and readiness to transact business, (Senate Com. No. 1), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 2, 1909.

To the Honorable Speaker and
Members of the House of Representatives,
Territory of Hawaii.

Gentlemen:

I beg leave to inform your Honorable Body that the Senate, in Special Session assembled, is duly organized and ready to transact business.

The following have been duly elected Officers of the Senate for the Special Session:

President.....Hon. Wm. O. Smith,
Vice-President.....Hon. S. E. Kalama,
Clerk.....J. H. Wise,
Assistant Clerk.....Geo. Lowe,
Sergeant-at-Arms.....J. D. Holt,
Chaplain.....Rev. Iaea,
Messenger.....Geo. Maxwell,
Janitor.....Mr. Ulukou.

Very respectfully yours,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

A communication from the Secretary to the Governor of Hawaii, acknowledging receipt of communication from the House, relative to its organization and readiness to transact business, was read by the Clerk, (Dept. Com. No. 2), as follows:

EXECUTIVE CHAMBER,
Honolulu, Hawaii.

November 2, 1909.

Sir:

By direction of the Governor, I have the honor to acknowledge His Excellency's receipt of your communication of this date, informing him that the House of Representatives in special session assembled is duly organized and ready to transact business, and informing him also of the due election of the officers of the House for the special session.

Very respectfully yours,

C. H. McBRIDE,
Secretary to the Governor.

Edward Woodward, Esq.,
Clerk, House of Representatives,
Honolulu, T. H.

The communication was received and placed on file.

Mr. R. N. Boyd was then sworn in by the Speaker as the Official Interpreter of the House for the Special Session of 1909.

A Message from the Governor, relative to certain proposed amendments to the Organic Act of the Territory of Hawaii, was read by the Clerk, (Gov. Mess. No. 1), as follows:

A MESSAGE FROM THE GOVERNOR.

TERRITORY OF HAWAII.

EXECUTIVE CHAMBER,
Honolulu, Hawaii.

November 2, 1909.

To the Legislature:

You are convened in special session to consider proposed amendments to the Organic Act of the Territory. That Act is the Territorial Constitution, and therefore the Legislature on this occasion partakes of the nature of a constitutional convention.

It is true that the Legislature is without express authority to act in a matter of this kind. And yet it may, with entire propriety, attempt to express, in an advisory way, as the elected representatives of the people, whose interests may be profoundly affected, the latter's desires or views, to the authoritative body, the Congress of the United States. There is no higher or more responsible political function than that of shaping fundamental law.

Although public opinion has already in large measure become crystallized upon the substance of the proposed amendments, they are, nevertheless, deemed of sufficient importance, in scope and character, to justify convening your honorable body in special session in order that you, the elected representatives of the people, may express a definite opinion upon them in their latest form before their submission to Congress by the Delegate.

The subject is one of extreme importance to the future welfare of the Territory in many ways. The occasion calls with peculiar force for the settlement of local differences of opinion at home and the presentation of a united front to Congress, and at the same time it offers rare opportunity to demonstrate to Congress, by wisdom and harmony of action, the capacity of the people of this Territory for self-govern-

ment and the attainment of American ideals. Every reason, indeed, emphatically demands that personal, local and factional considerations be laid aside and that the subject be approached with a thought single to the highest interests of the Territory.

In a matter of so great moment, divergencies of opinion must be expected. But practical sense requires that individual views should yield within reasonable limits to what is regarded generally as best for the common good and that every effort should be made to agree on as much as possible, leaving the rest for future consideration. A minority may be right, but time and further developments may be required to convince the majority. Wisdom, patriotism and the spirit of progress forbid that opposition to what is good as far as it goes should be persisted in merely because it does not seem to go far enough.

Moreover, in a matter of this kind, which involves the fundamental law, it is usually neither practicable nor wise to particularize to any great extent. As a rule, except where the nature of the subject requires particularity, it is safer to incorporate only general principles and provisions in an instrument of so brief and permanent a character as a constitution or organic act. It is impossible to foresee all contingencies that may arise, and an instrument that cannot readily be altered from time to time should be broad and adaptable in its scope. The question, moreover, is not merely what may be desired; it is also what may be secured. The viewpoint and methods of Congress must be considered.

I transmit herewith a form of a bill which, having its origin in the bill introduced by our delegate in the last Congress, has developed into its present form through changes made from time to time since as a result of much consideration and discussion by Congressional committees, the Territorial Legislature and its committees, the public press, commercial and other organizations and individuals. It has been framed with a view to simplicity, clearness and the elimination of matters most liable to difference of opinion. It is believed that as far as it goes it is in general accord with the principles of all political parties. It is satisfactory to the delegate in form and substance, and I heartily indorse it.

The general nature of the bill is so well understood and its provisions in general are so complete and clear in themselves that detailed explanation is unnecessary. It enlarges the powers of the Legislature; it provides for increases in the salaries of members of the legislature and a number of executive and judicial officers; it settles serious doubts as to the applicability of various Federal laws to Hawaii, the powers

of the legislature with reference to appropriations and the validity of numerous naturalizations made by the circuit courts, and other important matters; it improves in several respects the law relating to disqualifications of judges; it provides for the acquisition from the Federal government of the title to property used or required by the Territory and the counties for public purposes; it contains provisions which will facilitate the sale of public bonds at higher prices and lower rates of interest; it makes applicable to Hawaii general Federal appropriations, especially those for the benefit of the smaller agricultural industries.

As its principal feature, however, the bill makes many long-desired and much-needed changes in the land laws of Hawaii. It simplifies the administration of those laws and settles a number of important questions as to their meaning; it provides for giving to persons, of whom there are many, especially Hawaiians and Portuguese, residing on public lands, preference rights to obtain title to their homes; it also provides for settling the title of many churches to the lots which they have long used as church sites; and it places appropriate limitations on the powers of selling, leasing and exchanging large tracts of public land.

The principal changes, however, in the land laws consist in the provisions intended for the furtherance of homesteading: first, by enabling intending settlers to obtain homesteads at reasonable prices by drawings instead of being subjected to the risk of paying excessive prices at auction sales, and by permitting the times limited for compliance with homestead conditions to be extended in proper cases; secondly, by confining the right to acquire homesteads to citizens not already sufficiently provided for; and, thirdly, by preventing aliens, corporations and large land holders from afterwards obtaining control of the homesteaded lands, but at the same time not unduly preventing the homesteader from mortgaging or otherwise transferring the land for proper purposes.

Legislatures in Hawaii have generally risen to the occasion. They have as a rule proved that they can be depended upon, when the exigencies of the situation demand, to put party and other considerations behind the grand motive of the common welfare. Our worthy and capable delegate, while necessarily elected as the candidate of a particular party, is the delegate of the entire Territory, and as such should have undivided support in his earnest endeavors to accomplish what is for the highest interests of the Territory as a whole.

WALTER F. FREAR,
Governor of Hawaii.

A BILL

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A GOVERNMENT FOR THE TERRITORY OF HAWAII," APPROVED APRIL THIRTIETH, NINETEEN HUNDRED.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 5 of an Act entitled "An Act to Provide a Government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, is hereby amended to read as follows:

"Sec. 5. That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: Provided, that sections eighteen hundred and forty-one to eighteen hundred and ninety-one, inclusive, nineteen hundred and ten and nineteen hundred and twelve, of the Revised Statutes, and the amendments thereto, and an Act entitled 'An Act to Prohibit the Passage of Local or Special Laws in the territories of the United States, to limit territorial indebtedness, and for other purposes,' approved July thirtieth, eighteen hundred and eighty-six, and the amendments thereto, shall not apply to Hawaii."

Sec. 2. That section twenty-six of said Act is hereby amended to read as follows:

"Sec. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of six hundred dollars for each regular session, payable in three equal installments on and after the first, thirtieth and fiftieth days of the session, and the sum of two hundred dollars for each special session; Provided, That they shall receive no compensation for any extra session held under the provisions of section fifty-four of this Act."

Sec. 3. That section fifty-two of said Act is hereby amended to read as follows:

"Sec. 52. That appropriations, except as herein otherwise provided, shall be made by the legislature."

Sec. 4. That section fifty-five of said Act is hereby amended so that the part thereof relating to public indebtedness and beginning with the words "nor shall any debt" shall read as follows: "Nor shall any debt be authorized to be contracted

by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed one per centum of the assessed value of the property in the Territory or subdivision, respectively, as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond seven per centum of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond three per centum of such assessed value of property in the subdivision, but nothing in this Act shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States."

Sec. 5. That section seventy-three of said Act is hereby amended by adding thereto the following:

"No person shall hereafter be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement, who or whose husband or wife shall previously have taken or held any land under any such certificate, lease, or agreement hereafter made or issued, or under any homestead lease or patent based thereon; or who or whose husband or wife, or both of them, shall then own other land in the Territory the combined area of which and the land in question exceeds eighty acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law; nor shall any person who, having so declared his intention, shall hereafter take or hold under any such certificate, lease or agreement, continue so to hold or become entitled to a homestead lease or patent of the land, unless he shall have become a citizen within five years after so taking.

"No land for which any such certificate, lease or agree-

ment shall hereafter be issued, or any part thereof or interest therein or control thereof, shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased or otherwise transferred to or acquired or held by or for the benefit of any alien or corporation; or, before or after the issuance of a homestead lease or before the issuance of a patent, to or by or for the benefit of any other person; or, after the issuance of a patent, to or by or for the benefit of any person who owns, holds or controls directly or indirectly other land or the use thereof the combined area of which and the land in question exceeds eighty acres: Provided, that these prohibitions shall not apply to transfers or acquisitions by inheritance or between tenants in common.

"Any land in respect of which any of the foregoing provisions shall be violated, shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceeding. And non-compliance with the terms of any such certificate, lease, or agreement, or of the law applicable thereto, shall work a forfeiture of all rights thereunder and entitle the commissioner, with the approval of the governor, with or without legal process, notice, demand or previous entry, to retake possession and thereby determine the estate; Provided, That the times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith.

"The persons entitled to take under any such certificate, lease or agreement, may be determined by drawing or lot, after public notice as hereinafter provided; and any lot not taken, or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease or agreement without further notice. The notice of any sale, drawing or allotment of public land shall be by publication for a period of not less than sixty days in one or more newspapers of general circulation published in the Territory.

"The commissioner, with the approval of the governor, may give to any person who has, or who and whose predecessors in interest have, improved any parcel of public land and resided thereon not less than ten years immediately preceding the date of application a preference right to purchase as much of such parcel and such adjoining land as may reason-

ably be required for a home, at a fair price to be determined by three disinterested persons appointed by the governor, in the determination of which price the value of improvements shall, when deemed just and reasonable, be disregarded.

"The commissioner may also, with such approval, issue, for a nominal consideration, to any church or religious organization, or person or persons or corporation representing it, a patent for any parcel of public land occupied continuously for not less than ten years heretofore and still occupied by it as a church site under the laws of Hawaii.

"No sale for other than homestead purposes and no exchange by which the Territory shall convey land exceeding either forty acres in area or five thousand dollars in value, and no lease of agricultural land exceeding forty acres in area, shall be made without the approval of two-thirds of a board appointed as provided in section eighty of this Act, and until the legislature otherwise provides said board shall consist of six members and its members be appointed for terms of four years.

"All lands in the possession, use and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this Act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect."

Sec. 6. That section eighty-four of said Act is hereby amended to read as follows:

"Sec. 84. That no person shall sit as a judge or juror in

any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror has, either directly or through such relative, any pecuniary interest; nor shall any person sit as a judge in any case in which he has been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated."

Sec. 7. That section ninety-one of said Act is hereby amended to read as follows:

"Sec. 91. That, except as otherwise provided, the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight, shall be and remain in the possession, use and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of water, sewer, electric and other public works, penal, charitable, scientific and educational institutions, cemeteries, hospitals, parks, highways, wharves, landings, harbor improvements, public buildings, or other public purposes, or required for any such purposes, may be transferred to the Territory by direction of the President, and the title to any property so transferred to the Territory may thereafter be transferred to any city, county, or other political subdivision thereof, by direction of the governor when thereunto authorized by the legislature."

Sec. 8. That section ninety-two of said Act is hereby amended to read as follows:

"Sec. 92. That the following officers shall receive the following annual salaries to be paid by the United States: The governor, ten thousand dollars; the secretary of the Territory, five thousand dollars; the chief justice of the supreme court of the Territory, six thousand five hundred dollars; the associate justices of the supreme court, six thousand dollars each; the judges of the circuit courts, four thousand dollars each; the United States district attorney, five thousand dollars; the United States marshal, four thousand dollars. And the governor shall receive annually, in addition to his salary,

the sum of one thousand dollars for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of two thousand dollars annually for his private secretary."

Sec. 9. That section one hundred of said Act is hereby amended by adding thereto the following:

"All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the taking effect of the naturalization act of June twenty-ninth, nineteen hundred and six, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized."

Referred to the Committee on Enrollment, Revision and Printing.

Mr. Kaleiopu gave notice (Not. No. 1) of his intention to introduce the following Bill:

"An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Special Session of the House of Representatives of the Legislature of the Territory of Hawaii, 1909."

Under suspension of the rules, Mr. Kaleiopu introduced House Bill No. 1, entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Special Session of the House of Representatives of the Legislature of the Territory of Hawaii, 1909."

On motion by Mr. Kaleiopu, seconded by Mr. Nakaleka, the Bill passed First Reading by title and was placed on the special order of the day for tomorrow for Second Reading.

Mr. Castro introduced a Joint Resolution, relative to appointment of a Commission on Advances to Homesteaders, (House Joint Res. No. 1), as follows:

JOINT RESOLUTION.

WHEREAS, there are a number of Homesteaders in this Territory struggling under the burden of financial difficulties

to the extent of rendering them incapable of utilizing and developing the resources of their holdings; and

WHEREAS, the full development of the resources of this Territory can best be attained by the occupancy and utilization of the unappropriated public lands by homesteaders; and

WHEREAS, it behooves the Territorial Government to consider methods whereby the present and prospective homesteaders may be protected, assisted and encouraged; Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

That the Governor shall, as soon as practicable after the approval of this Resolution, appoint a Commission of three members, who shall be experienced and competent persons, to be known as the Commission on Advances to Homesteaders, which Commission shall study and thoroughly investigate and examine into the matter of establishing an Office to conduct the business of advancing money to the bona fide homesteaders of the Territory on security of mortgage of the homestead land and improvements thereon at a low rate of interest; said Commission shall consider ways and means whereby said Office may be managed and the business thereof conducted, and shall likewise consider the most practicable and feasible way of raising money by means of proper legislation for the purpose of meeting the full requirements of the Office.

The Commissioners may, in their discretion, employ legal counsel to assist them in their work. Said Commissioners shall each receive two hundred dollars for his service, together with other reasonable allowance for the expenses incurred in the performance of the duties herein prescribed; and the Commission shall make report to the Governor not later than January 1, 1911, with their recommendations appertaining thereto, together with such bill or bills as may be deemed necessary for the effectuation of such recommendations.

And the Governor is hereby requested to publish for the public interest the report of the Commission and their proposed legislation before the Legislature convenes in Regular Session in 1911.

A. D. CASTRO,
Representative, Fourth District.

On motion by Mr. Castro, seconded by Mr. Sheldon, the Joint Resolution passed First Reading and was placed on the order of the day for tomorrow; and the Chairman of the Printing Committee was requested to have the same printed both in English and Hawaiian.

Mr. Rice presented a Concurrent Resolution, relating to certain proposed amendments to the Organic Act of the Territory of Hawaii, (House Con. Res. No. 1), as follows:

CONCURRENT RESOLUTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY OF HAWAII, THE SENATE CONCURRING:

That, in order to meet pressing needs and make possible a more rapid development of the Territory along American lines, the Congress of the United States is hereby requested to amend the Organic Act of the Territory entitled "An Act to Provide a Government for the Territory of Hawaii," approved April 30, 1900, substantially in the manner and form set forth in the following proposed Bill which the Delegate to Congress from the Territory of Hawaii is hereby requested to introduce and urge in Congress:

AND BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives and the Delegate to Congress from the Territory of Hawaii.

CHAS. A. RICE,
Representative, Sixth District.

A BILL

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A GOVERNMENT FOR THE TERRITORY OF HAWAII," APPROVED APRIL THIRTIETH, NINETEEN HUNDRED.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 5 of an Act entitled "An Act to Provide a Government

for the Territory of Hawaii," approved April thirtieth, nineteen hundred, is hereby amended to read as follows:

"Sec. 5. That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: Provided, That sections eighteen hundred and forty-one to eighteen hundred and ninety-one, inclusive, nineteen hundred and ten and nineteen hundred and twelve, of the Revised Statutes, and the amendments thereto, and an Act entitled 'An Act to Prohibit the Passage of Local or Special Laws in Territories of the United States, to Limit Territorial Indebtedness, and for Other Purposes,' approved July thirtieth, eighteen hundred and eighty-six, and the amendments thereto, shall not apply to Hawaii."

SECTION 2. That Section twenty-six of said Act is hereby amended to read as follows:

"Sec. 26. That the members of the Legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of six hundred dollars for each regular session, payable in three equal installments on and after the first, thirtieth and fiftieth days of the session, and the sum of two hundred dollars for each special session; Provided, That they shall receive no compensation for any extra session held under the provisions of section fifty-four of this Act."

SECTION 3. That Section fifty-two of said Act is hereby amended to read as follows:

"Sec. 52. That appropriations, except as herein otherwise provided, shall be made by the legislature."

SECTION 4. That Section fifty-five of said Act is hereby amended so that the part thereof relating to public indebtedness and beginning with the words "nor shall any debt" shall read as follows: "Nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and other public improvements, but the

total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed one per centum of the assessed value of the property in the Territory or subdivision, respectively, as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond seven per centum of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond three per centum of such assessed value of property in the subdivision, but nothing in this Act shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States."

SECTION 5. That Section seventy-three of said Act is hereby amended by adding thereto the following:

"No person shall hereafter be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement, who or whose husband or wife shall previously have taken or held any land under any such certificate, lease, or agreement hereafter made or issued, or under any homestead lease or patent based thereon; or who or whose husband or wife, or both of them, shall then own other land in the Territory the combined area of which and the land in question exceeds eighty acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law; nor shall any person who, having so declared his intention, shall hereafter take or hold under any such certificate, lease or agreement, continue so to hold or become entitled to a homestead lease or patent of the land, unless he shall have become a citizen within five years after so taking.

"No land for which any such certificate, lease or agreement shall hereafter be issued, or any part thereof or interest therein or control thereof, shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased

or otherwise transferred to or acquired or held by or for the benefit of any alien or corporation; or, before or after the issuance of a homestead lease or before the issuance of a patent, to or by or for the benefit of any other person; or, after the issuance of a patent, to or by or for the benefit of any person who owns, holds or controls directly or indirectly other land or the use thereof the combined area of which and the land in question exceeds eighty acres: Provided, that these prohibitions shall not apply to transfers or acquisitions by inheritance or between tenants in common.

"Any land in respect of which any of the foregoing provisions shall be violated shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceeding. And non-compliance with the terms of any such certificate, lease, or agreement, or of the law applicable thereto, shall work a forfeiture of all rights thereunder and entitle the commissioner, with the approval of the governor, with or without legal process, notice, demand or previous entry, to retake possession and thereby determine the estate; Provided, That the times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith.

"The persons entitled to take under any such certificate, lease or agreement, may be determined by drawing or lot, after public notice as hereinafter provided; and any lot not taken, or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease or agreement without further notice. The notice of any sale, drawing or allotment of public land shall be by publication for a period of not less than sixty days in one or more newspapers of general circulation published in the Territory.

"The commissioner, with the approval of the governor, may give to any person who has, or who and whose predecessors in interest have, improved any parcel of public lands and resided thereon not less than ten years immediately preceding the date of application a preference right to purchase so much of such parcel and such adjoining land as may reasonably be required for a home, at a fair price to be determined by three disinterested persons appointed by the governor, in the determination of which price the value of improvements shall, when deemed just and reasonable, be disregarded.

"The commissioner may also, with such approval, issue, for a nominal consideration, to any church or religious organization, or person or persons or corporation representing it, a patent for any parcel of public land occupied continuously for not less than ten years heretofore and still occupied by it as a church site under the laws of Hawaii.

"No sale for other than homestead purposes and no exchange by which the Territory shall convey land exceeding either forty acres in area or five thousand dollars in value, and no lease of agricultural land exceeding forty acres in area, shall be made without the approval of two-thirds of a board appointed as provided in section eighty of this Act, and until the legislature otherwise provides said board shall consist of six members and its members be appointed for term of four years.

"All lands in the possession, use and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this Act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect."

SECTION 6. That section eighty-four of said Act is hereby amended to read as follows:

"Sec. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror

has, either directly or through such relative, any pecuniary interest; nor shall any person sit as a judge in any case in which he has been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated."

SECTION 7. That Section ninety-one of said Act is hereby amended to read as follows:

"Sec. 91. That, except as otherwise provided, the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of water, sewer, electric and other public works, penal, charitable, scientific and educational institutions, cemeteries, hospitals, parks, highways, wharves, landings, harbor improvements, public buildings, or other public purposes, or required for any such purposes, may be transferred to the Territory by direction of the President, and the title to any property so transferred to the Territory may thereafter be transferred to any city, county, or other political subdivision thereof, by direction of the governor when thereunto authorized by the legislature."

SECTION 8. That section ninety-two of said Act is hereby amended to read as follows:

"Sec. 92. That the following officers shall receive the following annual salaries to be paid by the United States: The governor, ten thousand dollars; the secretary of the Territory, five thousand dollars; the chief justice of the supreme court of the Territory, six thousand five hundred dollars; the associate justices of the supreme court, six thousand dollars each; the judges of the circuit courts, four thousand dollars each; the United States district attorney, five thousand dollars; the United States marshal, four thousand dollars. And the Governor shall receive annually, in addition to his salary, the sum

of one thousand dollars for stationery, postage and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of two thousand dollars annually for his private secretary."

SECTION 9. That Section one hundred of said Act is hereby amended by adding thereto the following:

"All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the taking effect of the naturalization act of June twenty-ninth, nineteen hundred and six, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized."

Mr. Rice moved that the Resolution be taken up for consideration at 2 o'clock P. M. in Committee of the Whole. Seconded by Mr. Coney and carried.

The Clerk read a communication from the Secretary of Hawaii, asking for a copy of the minutes of each day's proceedings of the House, (Dept. Com. No. 3), as follows:

SECRETARY OF HAWAII.

Honolulu, T. H., November 2, 1909.

The Honorable
The Speaker of the House of Representatives,
Territory of Hawaii.

Sir:—

In order that I may comply with the provisions of Section 69 of the Organic Act, may I kindly ask that this office be furnished daily with a copy of the minutes of your honorable body, the same as was done during the regular session.

Very respectfully yours,

E. A. MOTT-SMITH,
Secretary of Hawaii.

The communication was received and placed on file.

Mr. Correa, for the Committee on Enrollment, Revision

and Printing, verbally reported that the Governor's Message No. 1 has been printed in English and ready for distribution.

At 11:15 o'clock A. M., on motion by Mr. Kaleiopu, seconded by Mr. Nakaleka, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The House reconvened at 2 o'clock P. M.

Mr. Correa, for the Committee on Enrollment, Revision and Printing, verbally reported that the Governor's Message No. 1, together with the Bill accompanying same, has been printed in Hawaiian and ready for distribution.

At 2:05 o'clock P. M., the House resolved itself into a Committee of the Whole for the consideration of House Concurrent Resolution No. 1, with Representative Cohen in the Chair.

At 3:45 o'clock P. M., the Committee rose.

Mr. Cohen, for the Committee of the Whole, verbally reported progress, and asked leave to sit again tomorrow.

On motion by Mr. Sheldon, seconded by Mr. Nakaleka, the report of the Committee was adopted.

Mr. Like presented a Concurrent Resolution, asking for an appropriation for the care of leprous persons released from the Leper Settlement, (House Con. Res. No. 2), as follows:

CONCURRENT RESOLUTION.

WHEREAS, that several so-called leprous persons, who have been segregated and detained at the Leper Settlement on the Island of Molokai for several years past, and who are now released from such segregation and detention, and that many other persons at said Settlement to be so released in the near future; and

WHEREAS, that such persons are without means to provide for themselves; Now Therefore,

BE IT RESOLVED, by the House of Representatives of the Territory of Hawaii, the Senate concurring, That it is the sense of the Special Session of the Legislature of 1909, to

appropriate twenty-five thousand ($25,000.00) dollars for the care and help of such indigent persons.

E. L. LIKE,
Representative, Fifth District.

Honolulu, T. H., November 2, 1909.

Referred to Committee on Health and Police.

At 3:50 o'clock P. M., Mr. Rice moved that the House adjourn until 10 o'clock tomorrow morning. Seconded by Mr. Sheldon and carried.

Edward Woodward.
Clerk, House of Representatives.

Approved:

J. L. Holstein
Speaker.

SECOND DAY.

Wednesday, November 3, 1909.

The House met at 10 o'clock A. M., pursuant to adjournment.

Mr. Speaker presided.

Prayer by Chaplain Lono.

The minutes of the proceedings of the previous day were read by the Clerk, and approved as read.

Mr. Cohen presented a Concurrent Resolution, protesting against the regulation of local liquor traffic by Congress. (House Con. Res. No. 3), as follows:

CONCURRENT RESOLUTION.

BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE TERRRITORY OF HAWAII: That

WHEREAS, a bill has been introduced in the Congress of the United States to prohibit the sale of intoxicating liquor in the Territory of Hawaii; and

WHEREAS, said Congress is being urged to enact such law on the ground that it is the wish of the people of this Territory; and

WHEREAS, the Federal Congress, by an Act entitled "An Act Providing for the Government of the Territory of Hawaii" specifically declared that the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and Laws of the United States legally applicable, and further that no spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial Legislature shall provide; and

WHEREAS, the said Territorial Legislature, in regular session assembled, has duly regulated and restricted the sale and manufacture of intoxicating liquors in this Territory in

accordance with the wishes of the people hereof; Therefore Be It

RESOLVED, that we, the Legislature of the Territory of Hawaii, in the name of the people of Hawaii, earnestly protest against the Federal Congress taking from the people of this Territory the right to prohibit or regulate the liquor traffic in Hawaii or any other matter exclusively affecting the welfare of this Territory; and Be It Further

RESOLVED, that we declare that such proposed legislation by the Federal Congress would be a violation of the principles of local self-government and home rule so dear to the hearts of all Americans and would brand Hawaii as incapable of self-government; and Be It Further

RESOLVED, that the Honorable Jonah Kuhio Kalanianaole, Territorial Delegate to the United States Congress from Hawaii, be urged to do all in his power to prevent the passage of such proposed prohibition legislation by the United States Congress; and Be It Further

RESOLVED, that a copy of this Resolution, signed and attested by the proper officers of the Legislature of Hawaii, be forwarded to the Honorable Jonah Kuhio Kalanianaole, Territorial Delegate to the United States Congress, with the request that he present the same to the United States Congress and to the Committees of said Congress to whom said Federal Bill may have been referred for action.

J. C. COHEN,
Representative, Fourth District.

On motion by Mr. Kama, seconded by Mr. Kawewehi, the Concurrent Resolution was referred to the Printing Committee.

Second Reading of House Bill No. 1, entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Special Session of the House of Representatives of the Legislature of the Territory of Hawaii, 1909."

Under suspension of the rules, the Bill was read throughout.

On motion by Mr. Nakaleka, seconded by Mr. Sheldon, the Bill passed Second Reading, and was placed on the order of the day for tomorrow for Third Reading.

Second Reading of House Joint Resolution No. 1, relating

to Appointment of a Commission on Advances to Homesteaders.

Deferred until printed copies of same have been furnished the Members.

At 10:20 o'clock A. M., the House resolved itself into a Committee of the Whole for the consideration of House Concurrent Resolution No. 1, with Representative Cohen in the Chair.

At 11:30 o'clock A. M., the Committee rose.

Mr. Cohen, for the Committee of the Whole, verbally reported progress, and asked leave to sit again at 2 o'clock P. M.

On motion by Mr. Rice, seconded by Mr. Nakaleka, the report of the Committee was adopted.

Mr. Correa, for the Printing Committee, verbally reported that House Joint Resolution No. 1 was printed and ready for distribution.

Second Reading of House Joint Resolution No. 1, relating to Appointment of a Commission on Advances to Homesteaders.

On motion by Mr. Castro, seconded by Mr. Sheldon, the Joint Resolution passed Second Reading, and was placed on the order of the day for tomorrow for Third Reading.

At 11:40 o'clock A. M., Mr. Coney moved that the House take a recess until 2 o'clock P. M. Seconded by Mr. Sheldon and carried.

AFTERNOON SESSION.

The House reconvened at 2 o'clock P. M., and immediately resolved itself into a Committee of the Whole for the further consideration of House Concurrent Resolution No. 1, Mr. Cohen being in the Chair.

At 4:05 o'clock P. M., the Committee rose.

Mr. Cohen, for the Committee of the Whole, verbally reported progress and asked leave to sit again.

On motion by Mr. Nakaleka, seconded by Mr. Douthitt, the report of the Committee was adopted.

At 4:10 o'clock P. M., Mr. Furtado moved to adjourn until 10 o'clock tomorrow morning. Seconded by Mr. Nakalèka and carried.

Edward Woodward.

Clerk, House of Representatives.

Approved:

M. L. Holstein

Speaker.

THIRD DAY.

Thursday, November 4, 1909.

The House was called to order at 10 o'clock A. M., pursuant to adjournment.

Mr. Speaker presided.

Prayer by Chaplain Lono.

The minutes of the proceedings of the previous day were read, and approved as read.

Third Reading of House Bill No. 1, entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Special Session of the House of Representatives of the Legislature of the Territory of Hawaii, 1909."

On motion by Mr. Correa, seconded by Mr. Rice, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Affonso, Carley, Cohen, Coney, Correa, Douthitt, Hihio, Huddy, Kaleiopu, Kamahu, Kamanoulu, Kaniho, Kawaakoa, Kawewehi, Kealawaa, Like, Long, Makekau, Moanauli, Nakaleka, Nawahine, Rice, Sheldon, Waiwaiole and Mr. Speaker. Total 25.

Noes: None.

Excused, absent and not voting: Castro, Furtado, Kama, Kinney and Shingle. Total 5.

The Clerk read a communication from the Senate, transmitting Senate Concurrent Resolution No. 1, (Sen. Com. No. 2), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 3, 1909.

To the Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

I have the honor to transmit herewith Senate Concurrent Resolution No. 1, which was this day adopted in the Senate of the Territory of Hawaii.

Respectfully yours,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

Consideration of Senate Concurrent Resolution No. 1, relating to the School Fund Commission, as follows:

CONCURRENT RESOLUTION.

WHEREAS, the congested condition of the quarters in which the work of the College of Hawaii is at present carried on urgently requires immediate attention in order to properly and permanently install the valuable appliances with which the institution is being equipped, and that the facilities for

practical demonstrations in field work would be available to the students; Therefore Be It

RESOLVED by the Senate of the Legislature of the Territory of Hawaii, in Special Session assembled, the House of Representatives concurring, that the SCHOOL FUND COMMISSION, appointed by virtue of the provisions of Joint Resolution No. 6 of the Regular Session of 1909, be requested to also investigate methods of endowing colleges of similar character elsewhere and to consider ways and means for the endowment of the College of Hawaii, and report their conclusions and recommendations pertaining thereto and such Bill or Bills as may be deemed necessary for the effectuation of such recommendations to the Governor not later than July 1, 1910.

W. J. COELHO,
Senator, Second District.

On motion by Mr. Coney, seconded by Mr. Huddy, the Concurrent Resolution was referred to the Committee on Education.

Third Reading of House Joint Resolution No. 1, relating to Appointment of a Commission on Advances to Homesteaders.

Mr. Castro moved that the Joint Resolution pass Third Reading. Seconded by Mr. Sheldon and carried on the following showing of Ayes and Noes:

Ayes: Affonso, Carley, Castro, Cohen, Coney, Correa, Douthitt, Furtado, Hihio, Huddy, Kaleiopu, Kama, Kamahu, Kamanoulu, Kaniho, Kawaakoa, Kawewehi, Kealawaa, Like, Long, Makekau, Moanauli, Nakaleka, Nawahine, Rice, Sheldon, Waiwaiole and Mr. Speaker. Total 28.

Noes: None.

Excused, absent and not voting: Kinney and Shingle. Total 2.

At 10:20 o'clock A. M., the House resolved itself into a Committee of the Whole for the consideration of House Concurrent Resolution No. 1, with Representative Cohen in the Chair.

At 10:30 o'clock A. M., the Committee rose.

Mr. Cohen, for the Committee of the Whole, verbally

reported progress and asked leave for further time in which to file its report.

On motion by Mr. Rice, seconded by Mr. Huddy, the report of the Committee was adopted.

At 10:35 o'clock A. M., the House took a recess subject to the call of the Chair.

Upon reconvening after a recess of forty minutes, Mr. Cohen, for the Committee of the Whole, presented a report on House Concurrent Resolution No. 1, recommending its adoption with certain amendments, (Spec. Com. Rep. No. 1), as follows:

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 4, 1909.

Hon. H. L. Holstein,
Speaker, House of Representatives.

Sir:

Your Committee of the Whole, having had under consideration House Concurrent Resolution No. 1, begs leave to recommend the adoption of same with the following amendments:

In line 5 of Section 2 of the appended Bill, strike out the words "six hundred", and insert in lieu thereof the words "one thousand."

In line 13 of Section 4, strike out the word "and" before the word "harbor", and insert after the word "improvements" the words "and for the development of natural resources and public lands."

In paragraph 3 of Section 5, lines 7 and 8, strike out the words "work a forfeiture of all rights thereunder and."

In line 2 of paragraph 4 of said Section, strike out the word "may", and insert in lieu thereof the word "shall."

In line 4 of paragraph 5 of said Section, strike out the word "ten", and insert in lieu thereof the word "five."

In line 5 of paragraph 6 of said Section, strike out the word "ten", and insert in lieu thereof the word "five."

Respectfully submitted,

J. C. COHEN,
Chairman, Committee of the Whole.

On motion by Mr. Rice, seconded by Mr. Douthitt, the report of the Committee was adopted, and House Concurrent Resolution No. 1 was adopted.

The Clerk read a communication from the Senate, transmitting Senate Bill No. 1, (Sen. Com. No. 3), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 4, 1909.

The Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith Senate Bill No. 1, which this day passed Third Reading in the Senate of the Territory of Hawaii.

Very respectfully,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

First Reading of Senate Bill No. 1, entitled "An Act Making Special Appropriations for the Purpose of Defraying the Expenses of the Special Session of the Senate of the Legislature of the Territory of Hawaii of the Year 1909."

On motion by Mr. Coney, seconded by Mr. Douthitt, the Bill passed First Reading by title and was placed on the special order of the day for tomorrow for Second Reading.

Mr. Rice moved that the vote taken on the report of the Committee of the Whole on House Concurrent Resolution No. 1 be reconsidered, and that the Ayes and Noes be taken on the adoption of said Concurrent Resolution. Seconded by Mr. Sheldon and carried.

Upon another vote being taken, the result was as follows:

Ayes: Affonso, Carley, Castro, Cohen, Coney, Correa, Douthitt, Furtado, Hihio, Huddy, Kaleiopu, Kama, Kamahu, Kamanoulu, Kaniho, Kawaakoa, Kawewehi, Kealawaa, Like,

Long, Makekau, Moanauli, Nakaleka, Nawahine, Rice, Sheldon, Waiwaiole and Mr. Speaker. Total 28.

Noes: None.

Excused, absent and not voting: Kinney and Shingle. Total 2.

Whereupon the Chair declared that House Concurrent Resolution No. 1 has been adopted.

At 11:35 o'clock A. M., Mr. Douthitt moved to adjourn until 10 o'clock tomorrow morning. Seconded by Mr. Correa and carried.

Edward Woodward.

Clerk, House of Representatives.

Approved:

S. L. Solstein

Speaker.

FOURTH DAY.

Friday, November 5, 1909.

The House met at 10 o'clock A. M., pursuant to adjournment.

Mr. Speaker presided.

Prayer by Chaplain Lono.

The minutes of the proceedings of the previous day were read, and approved as read.

Mr. Sheldon offered a Resolution, relative to the disposition of bills not connected with the Governor's proclamation, (House Res. No. 2), as follows:

RESOLUTION.

RESOLVED, by the House of Representatives of the Territory of Hawaii, in Special Session, that they will not consider bills not connected with the call of the Governor by proclamation, and that all bills that shall be introduced or may be sent from the Senate shall be tabled without debate.

WM. J. SHELDON,
Chairman of the Rules Committee.

November 5, 1909.

Mr. Furtado moved that the Resolution be adopted. Seconded by Mr. Nakaleka.

Mr. Douthitt moved that the rules be suspended in order that he might offer an oral amendment to said Resolution. Seconded by Mr. Long and carried.

Whereupon Mr. Douthitt offered to amend said Resolution to read as follows:

"BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, that it is the sense of this House that no Bills be considered at this Special Session of the Legislature, save and except the proposed amendments to the Organic Act; provided, however, that this Resolution shall not be construed to include the Bills making appropriations for the Special Session."

Mr. Sheldon moved that the Resolution, as amended, be adopted. Seconded by Mr. Long and carried.

Second Reading of Senate Bill No. 1, entitled "An Act Making Special Appropriations for the Purpose of Defraying the Expenses of the Special Session of the Senate of the Legislature of the Territory of Hawaii of the Year 1909."

Mr. Kaleiopu moved to suspend the rules so as to pass the Bill on Second Reading. Seconded by Mr. Huddy and carried.

On motion by Mr. Kaleiopu, seconded by Mr. Nakaleka, the Bill passed Second Reading, and was placed on the order of the day for tomorrow for Third Reading.

Mr. Correa, for the Printing Committee, reported orally that House Concurrent Resolution No. 3 was printed and ready for distribution.

Consideration of House Concurrent Resolution No. 3, protesting against the regulation of local liquor traffic by Congress.

Mr. Cohen moved to adopt the Concurrent Resolution. Seconded by Mr. Furtado.

Mr. Kaleiopu moved the previous question. Seconded by Mr. Sheldon and carried.

Whereupon the motion to adopt the Concurrent Resolution was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes: Affonso, Carley, Castro, Cohen, Coney, Correa, Douthitt, Furtado, Hihio, Huddy, Kaleiopu, Kama, Kamahu, Kamanoulu, Kaniho, Kawaakoa, Kawewehi, Kealawaa, Kinney, Like, Long, Makekau, Moanauli, Nawahine, Waiwaiole and Mr. Speaker. Total 26.

Noes: Nakaleka and Sheldon. Total 2.

Excused, absent and not voting: Rice and Shingle. Total 2.

Mr. Affonso offered a Resolution, authorizing the Speaker and the Chairman of the Committee on Public Expenditures and Accounts to pass upon all claims against the House after its adjournment sine die, (House Res. No. 3), as follows:

RESOLUTION.

BE IT RESOLVED by the House of Representatives, that after the adjournment of the Legislature, in Special Session, the Speaker of the House of Representatives and the Chairman of the Committee on Public Expenditures and Accounts be and they are hereby authorized, empowered and directed

to pass upon all claims against the House in connection with matters appertaining to the business of the House, and said officers, in conjunction with the Clerk, shall draw warrants on the Public Treasury in payment of all claims passed upon. .

G. F. AFFONSO,
Representative, First District.

Honolulu, November 5, 1909.

On motion by Mr. Long, seconded by Mr. Castro, the Resolution was adopted.

The Clerk read a communication from the Senate, returning House Concurrent Resolution No. 1, with an amendment, (Sen. Com. No. 4), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 5, 1909.

The Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

I have the honor to herewith return House Concurrent Resolution No. 1, which was this day adopted in the Senate of the Territory of Hawaii, with an amendment to be added at the end of Section 4, as follows:

"Provided, that, subject to the approval of the President of the United States, the legislature of the Territory may provide loans of public moneys, or guaranties of private loans, on proper security to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities."

Respectfully yours,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

House Concurrent Resolution No. 1, amended and adopted by the Senate, reads as follows:

LIBRARY OF THE UNIVERSITY OF CALIFORNIA

CONCURRENT RESOLUTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE TERRITORY OF HAWAII, THE SENATE CONCURRING:

That, in order to meet pressing needs and make possible a more rapid development of the Territory along American lines, the Congress of the United States is hereby requested to amend the Organic Act of the Territory entitled "An Act to Provide a Government for the Territory of Hawaii," approved April 30, 1900, substantially in the manner and form set forth in the following proposed Bill which the Delegate to Congress from the Territory of Hawaii is hereby requested to introduce and urge in Congress:

AND BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the President of the United States, the President of the Senate, the Speaker of the House of Representatives and the Delegate to Congress from the Territory of Hawaii.

A BILL

TO AMEND AN ACT ENTITLED "AN ACT TO PROVIDE A GOVERNMENT FOR THE TERRITORY OF HAWAII," APPROVED APRIL THIRTIETH, NINETEEN HUNDRED.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 5 of an Act entitled "An Act to Provide a Government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, is hereby amended to read as follows:

"Sec. 5. That the Constitution, and, except as otherwise provided, all the laws of the United States, including laws carrying general appropriations, which are not locally inapplicable, shall have the same force and effect within the said Territory as elsewhere in the United States: Provided, That sections eighteen hundred and forty-one to eighteen hundred and ninety-one, inclusive, nineteen hundred and ten and nineteen hundred and twelve, of the Revised Statutes, and the amendments thereto, and an Act entitled 'An Act to prohibit the passage of local or special laws in territories of the United States, to limit territorial indebtedness, and for other

purposes,' approved July thirtieth, eighteen hundred and eighty-six, and the amendments thereto, shall not apply to Hawaii."

SECTION 2. That Section twenty-six of said Act is hereby amended to read as follows:

"Sec. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of one thousand dollars for each regular session, payable in three equal installments on and after the first, thirtieth and fiftieth days of the session, and the sum of two hundred dollars for each special session; Provided, That they shall receive no compensation for any extra session held under the provisions of section fifty-four of this Act."

SECTION 3. That Section fifty-two of said Act is hereby amended to read as follows:

"Sec. 52. That appropriations, except as herein otherwise provided, shall be made by the legislature."

SECTION 4. That Section fifty-five of said Act is hereby amended so that the part thereof relating to public indebtedness and beginning with the words "nor shall any debt" shall read as follows: "Nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, harbor and other public improvements and for the development of natural resources and public lands, but the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed one per centum of the assessed value of the property in the Territory or subdivision, respectively, as shown by the then last assessments for taxation, whether such assessments are made by the Territory or the subdivision or subdivisions, and the total indebtedness of the Territory shall not at any time be extended beyond seven per centum of such assessed value of property in the Territory and the total indebtedness of any such subdivision shall not at any time be extended beyond three per centum of such assessed value of property in the subdivision, but nothing in this Act shall prevent the refunding of any indebtedness at any time; nor shall any such loan be made

upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States. Provided, that, subject to the approval of the President of the United States, the legislature of the Territory may provide for loans of public moneys, or guaranties of private loans, on proper security to settlers on the public lands for necessary permanent improvements of their homesteads, and for loans, subsidies, or guaranties to persons or corporations for the improvement and increase of transportation facilities."

SECTION 5. That Section seventy-three of said Act is hereby amended by adding thereto the following:

"No person shall hereafter be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or special homestead agreement, who or whose husband or wife shall previously have taken or held any land under any such certificate, lease or agreement hereafter made or issued, or under any homestead lease or patent based thereon; or who or whose husband or wife, or both of them, shall then own other land in the Territory the combined area of which and the land in question exceeds eighty acres; or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law; nor shall any person who, having so declared his intention, shall hereafter take or hold under any such certificate, lease or agreement, continue so to hold or become entitled to a homestead lease or patent of the land, unless he shall have become a citizen within five years after so taking.

"No land for which any such certificate, lease or agreement shall hereafter be issued, or any part thereof or interest therein or control thereof, shall, without the written consent of the commissioner and governor, thereafter, whether before or after a homestead lease or patent has been issued thereon, be or be contracted to be in any way, directly or indirectly, by process of law or otherwise, conveyed, mortgaged, leased or otherwise transferred to or acquired or held by or for the benefit of any alien or corporation; or, before or after the issuance of a homestead lease or before the issuance of a patent, to or by or for the benefit of any other person; or, after the issuance of a patent, to or by or for the benefit of any person who owns, holds or controls directly or indirectly other land or the use thereof the combined area of which and the land in question exceeds eighty acres: Provided, that

these prohibitions shall not apply to transfers or acquisitions by inheritance or between tenants in common.

"Any land in respect of which any of the foregoing provisions shall be violated shall forthwith be forfeited and resume the status of public land and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceeding. And non-compliance with the terms of any such certificate, lease, or agreement, or of the law applicable thereto, shall entitle the commissioner, with the approval of the governor, with or without legal process, notice, demand or previous entry, to retake possession and thereby determine the estate; Provided, That the times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith.

"The persons entitled to take under any such certificate, lease or agreement, shall be determined by drawing or lot, after public notice as hereinafter provided; and any lot not taken, or taken and forfeited, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, may be disposed of upon application at not less than the advertised price by any such certificate, lease or agreement without further notice. The notice of any sale, drawing or allotment of public land shall be by publication for a period of not less than sixty days in one or more newspapers of general circulation published in the Territory.

"The commissioner, with the approval of the governor, may give to any person who has, or who and whose predecessors in interest have, improved any parcel of public land and resided thereon not less than five years immediately preceding the date of application a preference right to purchase so much of such parcel and such adjoining land as may reasonably be required for a home, at a fair price to be determined by three disinterested persons appointed by the governor, in the determination of which price the value of improvements shall, when deemed just and reasonable, be disregarded.

"The commissioner may also, with such approval, issue, for a nominal consideration, to any church or religious organization, or person or persons or corporation representing it, a patent for any parcel of public land occupied continuously for not less than five years heretofore and still occupied by it as a church site under the laws of Hawaii.

"No sale for other than homestead purposes and no exchange by which the Territory shall convey land exceeding either forty acres in area or five thousand dollars in value,

and no lease of agricultural land exceeding forty acres in area, shall be made without the approval of two-thirds of a board appointed as provided in section eighty of this Act, and until the legislature otherwise provides said board shall consist of six members and its members be appointed for terms of four years.

"All lands in the possession, use and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales and other dispositions of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this Act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. All orders setting aside lands for forest or other public purposes, or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, prescribe forms of oaths, and, with the approval of the governor and said board, make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect."

SECTION 6. That Section eighty-four of said Act is hereby amended to read as follows:

"Sec. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror has, either directly or through such relative, any pecuniary interest; nor shall any person sit as a judge in any case in which he has been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated."

SECTION 7. That Section ninety-one of said Act is hereby amended to read as follows:

"Sec. 91. That, except as otherwise provided, the public

property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight, shall be and remain in the possession, use and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And any such public property so taken for the uses and purposes of the United States may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of water, sewer, electric and other public works, penal, charitable, scientific and educational institutions, cemeteries, hospitals, parks, highways, wharves, landings, harbor improvements, public buildings, or other public purposes, or required for any such purposes, may be transferred to the Territory by direction of the President, and the title to any property so transferred to the Territory may thereafter be transferred to any city, county, or other political subdivision thereof, by direction of the governor when thereunto authorized by the legislature."

SECTION 8. That Section ninety-two of said Act is hereby amended to read as follows:

"Sec. 92. That the following officers shall receive the following annual salaries to be paid by the United States: The governor, ten thousand dollars; the secretary of the Territory, five thousand dollars; the chief justice of the supreme court of the Territory, six thousand five hundred dollars; the associate justices of the supreme court, six thousand dollars each; the judges of the circuit courts, four thousand dollars each; the United States district attorney, five thousand dollars; the United States marshal, four thousand dollars. And the Governor shall receive annually, in addition to his salary, the sum of one thousand dollars for stationery, postage and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of two thousand dollars annually for his private secretary."

SECTION 9. That Section one hundred of said Act is hereby amended by adding thereto the following:

"All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the taking effect of the naturalization act of June twenty-

ninth, nineteen hundred and six, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized."

Mr. Castro moved that the House concur in the Senate amendment. Seconded by Mr. Nakaleka and carried.

A communication from the Senate, transmitting Senate Bill No. 3, was read by the Clerk, (Sen. Com. No. 5), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 5, 1909.

The Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

Gentlemen:—

I have the honor to herewith transmit Senate Bill No. 3, which this day passed Third Reading in the Senate of the Territory of Hawaii.

Very respectfully,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

First Reading of Senate Bill No. 3, entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii, as amended by Act 96 of the Session Laws of 1907, by adding a Proviso to Sections 1418G and 1418H thereof."

Mr. Furtado moved to reject the Bill. Seconded by Mr. Kaleiopu.

On motion by Mr. Castro, seconded by Mr. Sheldon, Senate Bill No. 3 was tabled.

At 10:55 o'clock A. M., on motion by Mr. Sheldon, seconded by Mr. Nakaleka, the House took a recess subject to the call of the Chair.

Upon reconvening after a recess of forty-five minutes, Mr.

Long, for the Committee on Education, presented a report on Senate Concurrent Resolution No. 1, recommending its adoption, (Stan. Com. Rep. No. 1), as follows:

Honolulu, T. H., November 5, 1909.

Hon. H. L. Holstein,
Speaker, House of Representatives.

Sir:

Your Committee on Education, to which was referred Senate Concurrent Resolution No. 1, relating to "School Fund Commission," begs leave to report as follows:

This Committee, after careful consideration of said Resolution, recommends the adoption of the same.

Respectfully submitted,

ELIA A. C. LONG,
Chairman, Committee on Education.
G. F. AFFONSO,
E. B. CARLEY,
S. P. CORREA,
E. L. LIKE.

On motion by Mr. Long, seconded by Mr. Kamahu, the report of the Committee was adopted.

Under suspension of the rules, Mr. Coney, for the Committee on Health and Police, offered a verbal report on House Concurrent Resolution No. 2, recommending that the same be tabled.

On motion by Mr. Kawewehi, seconded by Mr. Sheldon, the report of the Committee was adopted.

The Clerk read a communication from the Senate, transmitting Senate Bill No. 6, (Sen. Com. No. 6), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 5, 1909.

To the Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

Gentlemen:

I have the honor to herewith transmit Senate Bill No. 6,

which this day passed Third Reading in the Senate of the Territory of Hawaii.

Very respectfully,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

First Reading of Senate Bill No. 6, entitled "An Act for the Relief of Persons Released from the Leper Settlement at Molokai."

Mr. Sheldon moved that the Bill be tabled. Seconded by Mr. Douthitt and carried.

Mr. Coney presented a Resolution, requesting the Military Committee to arrange for a visit by the Members of the House to the Pearl Harbor Drydock, (House Res. No. 4), as follows:

RESOLUTION.

RESOLVED, that the Committee on Military arrange with the officials in charge of the construction of the drydock at Pearl City and the improvement of the harbor to have the Members of this House visit the works as soon as convenient.

J. H. CONEY,
Representative, Sixth District.

November 5, 1909.

On motion by Mr. Coney, seconded by Mr. Nakaleka, the Resolution was adopted.

At 11:45 o'clock A. M., Mr. Coney moved to take a recess until 2 o'clock P. M. Seconded by Mr. Huddy and carried.

AFTERNOON SESSION.

The House reconvened at 2 o'clock P. M., and immediately took a recess subject to the call of the Chair.

Upon reconvening after a recess of five minutes, the Clerk read a communication from the Senate, transmitting Senate Concurrent Resolutions Nos. 2 and 6, (Sen. Com. No. 7), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 5, 1909.

The Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

I have the honor to herewith transmit Senate Concurrent Resolutions, respectively numbered 2 and 6, which were this day adopted in the Senate of the Territory of Hawaii.

Respectfully yours,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

Consideration of Senate Concurrent Resolution No. 2, relating to the turning over of the Post Office building at Honolulu to the City and County of Honolulu, as follows:

CONCURRENT RESOLUTION.

WHEREAS, the voters of the City and County of Honolulu at the first general election under the Charter approved by implication the proposition for a Municipal Building; and

WHEREAS, such a building out of current Municipal revenues is out of the question; and

WHEREAS, there is a prospect that the Government of the United States will have erected a public building in Honolulu to accommodate among other Federal offices the Honolulu Post Office, thereby enabling the surrender back to the Government of the Territory the building now occupied by the Post Office Departments; Therefore

RESOLVED, that it is the sense of the Legislature of the Territory of Hawaii, in Special Session assembled, that upon the surrender by the United States Government of the building as above anticipated, the same shall together with the building known as "Honolulu Hale" be turned over to the Government of the City and County of Honolulu for the purposes and uses of Municipal Headquarters and Offices;

RESOLVED, that certified copies of this Resolution be transmitted to the Governor of the Territory, and to the Commissioner of Public Lands and Superintendent of Public Works.

F. R. HARVEY,
Senator, Third District.

On motion by Mr. Coney, seconded by Mr. Kaleiopu, the Concurrent Resolution was adopted.

Consideration of Senate Concurrent Resolution No. 6, relating to the setting aside of public land for the use of leprous persons released from the Leper Settlement, as follows:

CONCURRENT RESOLUTION.

RESOLVED, that it is the sense of the Legislature of the Territory of Hawaii, in Special Session assembled, that the Commissioner of Public Lands with the Governor of the Territory set aside suitable public land for the use of such of the persons who were segregated at the Leper Settlement at Molokai, and who were examined since April 1, 1909, and found free of the disease of leprosy and ordered to leave the Settlement, as may apply to locate thereon, upon such terms and conditions as the Governor may prescribe; Be It Further

RESOLVED, that certified copies of this Resolution be transmitted to the Commissioner of Public Lands and to the Governor of the Territory.

F. R. HARVEY,
Senator, Third District.

Mr. Cohen moved to adopt the Concurrent Resolution. Seconded by Mr. Nawahine and carried.

At 2:20 o'clock P. M., Mr. Coney moved to adjourn until 10 o'clock tomorrow morning. Seconded by Mr. Carley and carried.

Edward Woodward.
Clerk, House of Representatives.

Approved:

J. L. Holstein
Speaker.

FIFTH DAY.

Saturday, November 6, 1909.

The House was called to order at 10:05 o'clock A. M.

Mr. Speaker presided.

Prayer by Chaplain Lono.

The minutes of the proceedings of the previous day were read by the Clerk, and approved as read.

The Clerk read a communication from the Senate, returning House Concurrent Resolution No. 3, (Sen. Com. No. 8), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 5, 1909.

To the Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

Gentlemen:

I have the honor to return herewith House Concurrent Resolution No. 3, which was this day adopted in the Senate of the Territory of Hawaii.

Very respectfully,
JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

A communication from the Senate, transmitting Senate Concurrent Resolution No. 3, was read by the Clerk, (Sen. Com. No. 9), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 5, 1909.

The Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

I have the honor to herewith transmit Senate Concurrent

Resolution No. 3, which was this day adopted in the Senate of the Territory of Hawaii.

Respectfully yours,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

Consideration of Senate Concurrent Resolution No. 3, requesting the Commissioner of Public Lands to withhold exchange of public lands, as follows:

CONCURRENT RESOLUTION.

WHEREAS, the failure to stimulate general interest in bona fide settlers to take up homesteads in the Territory is due to the unjust requirements of the existing Land Laws; and

WHEREAS, it is the popular demand of the citizens of Hawaii that the said laws be modified in such manner as to give prospective settlers more favorable and encouraging conditions to comply with than are now exacted; and

WHEREAS, it is also the popular desire of the people that further disposition of the present holdings, public lands, by sale or exchange, be suspended temporarily; Therefore Be It

RESOLVED by the Senate of the Legislature of the Territory of Hawaii, in Special Session assembled, the House of Representatives concurring, that the Commissioner of Public Lands be and he is hereby requested to withhold from sale or exchange any public land now or that may hereafter come under his control, until the present land laws of Hawaii are changed. Provided, however, that when deemed necessary and for the benefit of the public, he may exchange public land for roads, parks, wharves and landings and public building sites.

F. R. HARVEY,
Senator, Third District.

Referred to Committee on Public Lands and Internal Improvements.

Mr. Cohen offered a Concurrent Resolution, asking for a suspension of the Coastwise Laws, (House Con. Res. No. 4), as follows:

CONCURRENT RESOLUTION.

WHEREAS, on account of the lack of adequate passenger accommodations between Honolulu and the Mainland, large numbers of tourists are prevented from visiting Hawaii; and

WHEREAS, the advancement and development of this Territory are being retarded because of the fact that many possible settlers are unable to get steamship accommodations from San Francisco and other Coast ports to Hawaii; and

WHEREAS, it frequently happens that visitors who have come to the Islands have, through inability to get passage back, been prevented from leaving when they desired to do so and have, on that account, made reports to their friends and acquaintances which have prevented others from visiting Hawaii; and

WHEREAS, great discomfort and inconvenience are experienced, not only by tourists and visitors, but also by the residents of these Islands on account of the inadequacy of passenger accommodations, to such an extent that frequently residents of Hawaii are delayed for weeks and even months on the Coast when they are anxious to return home; and

WHEREAS, the People of Hawaii have on numerous occasions expressed the desire that the coastwise shipping laws as applied to Hawaii, which prevent travel to and from the Islands in other than American vessels, be suspended until such time as there shall be adequate passenger accommodations on American vessels; and

WHEREAS, there appears to be at present no prospect of an immediate or speedy alleviation of the onerous conditions which are acting to the detriment of the best interests of the People of Hawaii; Now, Therefore, Be It

RESOLVED by the House of Representatives of the Legislature of the Territory of Hawaii, the Senate concurring, that we recommend to the Honorable Jonah Kuhio Kalanianaole, Delegate to the Congress of the United States from the Territory of Hawaii, that he urge upon Congress the suspension of the Coastwise Shipping Laws, so far as their application to Hawaii is concerned, only in so far as they affect the carrying of passengers by vessels not flying the flag of the United States, until such time as it shall appear that ample passenger accommodations have been provided in American vessels plying between Hawaii and the Mainland, or in the discretion of the President or Congress of the United States; And Be It Further

RESOLVED that a copy of this Resolution be sent to the Honorable Jonah Kuhio Kalanianaole, Delegate to Congress from the Territory of Hawaii.

J. C. COHEN,
Representative, Fourth District.

Mr. Coney moved to adopt the Concurrent Resolution. Seconded by Mr. Cohen.

On motion by Mr. Affonso, seconded by Mr. Castro, consideration of said Concurrent Resolution was deferred until 11 o'clock A. M.

Mr. Sheldon offered a Concurrent Resolution, authorizing the Speaker of the House and the President of the Senate to adjourn both Houses at 2:30 o'clock P. M., (House Con. Res. No. 5), as follows:

CONCURRENT RESOLUTION.

RESOLVED, by the House of Representatives, the Senate concurring, that the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective houses on the sixth day of November, A. D. 1909, at 2:30 o'clock P. M.

WM. J. SHELDON,
Representative, Sixth District.

November 6, 1909.

On motion by Mr. Coney, seconded by Mr. Nakaleka, the Concurrent Resolution was adopted.

The Clerk read a communication from the Senate, returning House Joint Resolution No. 1, (Sen. Com. No. 10), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 6, 1909.

The Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

I have the honor to herewith return House Joint Resolu-

tion No. 1, which this day passed Third Reading in the Senate of the Territory of Hawaii.

Respectfully yours,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

A communication from the Senate, returning House Bill No. 1, was read by the Clerk, (Sen. Com. No. 11), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 6, 1909.

The Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

I have the honor to return herewith House Bill No. 1, which this day passed Third Reading in the Senate of the Territory of Hawaii.

Respectfully yours,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

Third Reading of Senate Bill No. 1, entitled "An Act Making Special Appropriations for the Purpose of Defraying the Expenses of the Special Session of the Senate of the Legislature of the Territory of Hawaii of the Year 1909."

On motion by Mr. Sheldon, seconded by Mr. Furtado, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Affonso, Carley, Castro, Cohen, Coney, Correa, Furtado, Hihio, Huddy, Kaleiopu, Kama, Kamahu, Kamanoulu, Kaniho, Kawaakoa, Kawewehi, Kealawaa, Kinney, Like, Long, Makekau, Moanauli, Nakaleka, Nawahine, Sheldon, Waiwaiole and Mr. Speaker. Total 27.

Noes: None.

Excused, absent and not voting: Douthitt, Rice and Shingle. Total 3.

At 10:35 o'clock A. M., on motion by Mr. Coney, seconded by Mr. Makekau, the House took a recess until 11 o'clock A. M.

Upon reconvening at 11 o'clock A. M., the Clerk read a communication from the Senate, transmitting Senate Concurrent Resolution No. 7, (Sen. Com. No. 12), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 6, 1909.

To the Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

Gentlemen:

I have the honor to transmit herewith Senate Concurrent Resolution No. 7, which was this day adopted in the Senate of the Territory of Hawaii.

Very respectfully,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

Consideration of Senate Concurrent Resolution No. 7, asking for a fund for the relief of indigent persons, as follows:

CONCURRENT RESOLUTION.

WHEREAS, Senate Bill No. 6, entitled "An Act for the Relief of Persons Released from the Leper Settlement at Molokai," which passed Third Reading in the Senate November 5, 1909, was tabled in the House of Representatives the same day; and

WHEREAS, there is a contingent fund of Fifty Thousand Dollars provided for in Act 150 of the Session Laws of 1909; Therefore Be It

RESOLVED, that it is the sense of the Legislature of the Territory of Hawaii, in Special Session assembled, that the Governor be respectfully requested to set aside from the said Contingent Fund a sum not to exceed $5,000.00 to be used and expended for the relief of indigent persons who have been segregated at the Leper Settlement on Molokai and who were

examined since April 1, 1909, and found free of the disease known as leprosy, and ordered to leave the Settlement.

WM. J. COELHO,
Senator, Second District.

Mr. Cohen moved to adopt the Senate Concurrent Resolution. Seconded by Mr. Like.

Mr. Affonso moved the previous question. Seconded by Mr. Furtado and carried.

Whereupon the motion to adopt the Senate Concurrent Resolution was put by the Chair and carried.

Consideration of House Concurrent Resolution No. 4, asking for a suspension of the Coastwise Laws.

Mr. Cohen moved to adopt the House Concurrent Resolution. Seconded by Mr. Huddy.

Mr. Affonso moved that the consideration of said Concurrent Resolution be indefinitely postponed. Seconded by Mr. Kaniho.

Mr. Correa moved the previous question. Seconded by Mr. Affonso and carried.

Whereupon the motion to adopt the House Concurrent Resolution was put by the Chair and carried.

At 11:55 o'clock A. M., on motion by Mr. Sheldon, seconded by Mr. Makekau, the House took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The House reconvened at 2 o'clock P. M.

Mr. Furtado moved to reconsider the vote taken on House Concurrent Resolution No. 4 and to request the Senate to return the same. Seconded by Mr. Kealawaa and lost.

The Clerk read a communication from the Secretary of Hawaii, informing the House of the signing by the Governor of Acts 1 and 2, (Dept. Com. No. 4), as follows:

SECRETARY OF HAWAII.

Honolulu, T. H., November 6, 1909.

Honorable H. L. Holstein,
Speaker, House of Representatives,
Honolulu.

Sir:—

The honor falls upon me to inform your Honorable Body that the Governor has this day signed the following Bills:

House Bill No. 1, Act 1, entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Special Session of the House of Representatives of the Legislature of the Territory of Hawaii, 1909."

Senate Bill No. 1, Act 2, entitled "An Act Making Special Appropriations for the Purpose of Defraying the Expenses of the Special Session of the Senate of the Legislature of the Territory of Hawaii of the Year 1909."

Very respectfully yours,
E. A. MOTT-SMITH,
Secretary of Hawaii.

The communication was received and placed on file.

A communication from the Secretary of Hawaii, informing the House of the signing by the Governor of House Joint Resolution No. 1, was read by the Clerk, (Dept. Com. No. 5), as follows:

SECRETARY OF HAWAII.

Honolulu, T. H., November 6, 1909.

Honorable H. L. Holstein,
Speaker, House of Representatives,
Honolulu.

Sir:—

It gives me pleasure to inform your Honorable Body that the Governor has this day signed House Joint Resolution No. 1, Joint Resolution No. 1, regarding the appointment of a commission to be known as the Commission on Advances to Homesteaders.

Very respectfully yours,
E. A. MOTT-SMITH,
Secretary of Hawaii.

The communication was received and placed on file.

Mr. Kaleiopu moved to suspend the rules in order that he might offer an oral report on Senate Concurrent Resolution No. 3. Seconded by Mr. Sheldon and carried.

Mr. Kaleiopu, for the Committee on Public Lands and Internal Improvements, verbally reported on Senate Concurrent Resolution No. 3, recommending that the same be tabled.

Mr. Furtado moved to table the report of the Committee. Seconded by Mr. Affonso.

Mr. Coney moved that the report of the Committee be adopted. Seconded by Mr. Kawewehi.

Mr. Affonso moved that the Ayes and Noes be taken. Seconded by Mr. Furtado and carried.

Whereupon the motion to table the report of the Committee was put by the Chair and lost on the following showing of Ayes and Noes:

Ayes: Affonso, Furtado, Kamahu, Kealawaa, Like and Makekau. Total 6.

Noes: Carley, Castro, Cohen, Coney, Correa, Douthitt, Hihio, Huddy, Kaleiopu, Kama, Kawaakoa, Kawewehi, Kinney, Long, Moanauli, Nakaleka, Nawahine, Sheldon, Waiwaiole and Mr. Speaker. Total 20.

Excused, absent and not voting: Kamanoulu, Kaniho, Rice and Shingle. Total 4.

The Clerk read a communication from the Senate, returning House Concurrent Resolution No. 5, (Sen. Com. No. 13), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 6, 1909.

To the Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith House Concurrent

Resolution No. 5, which was this day adopted in the Senate of the Territory of Hawaii.

Very respectfully,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

Mr. Kaleiopu presented a Resolution, allowing the Clerk of the House extra compensation for the completion and filing of documents and records, and the preparation of the House Journal, (House Res. No. 5), as follows:

RESOLUTION.

RESOLVED, that the Clerk of the House of Representatives be allowed ten days extra with the full pay after the adjournment sine die of this Session of the Legislature for the purpose of completing the records, disposition of papers and preparation of the Journal as required by law, and have printed as many copies as were ordered for the Journal of the Regular Session of 1909; Be It Further

RESOLVED, that the Clerk is hereby authorized to correct all the grammatical and orthographical errors, prepare the index and read proofs for which he shall be paid extra compensation at the rate of one dollar per book page, for preparing the original copy of the Journal of the House of Representatives to be filed with the Secretary of the Territory and one copy thereof for the printer, he shall be paid forty cents per typewritten page.

A. S. KALEIOPU,
Representative, Fifth District.

Honolulu, November 6, 1909.

On motion by Mr. Kaleiopu, seconded by Mr. Affonso, the Resolution was adopted.

Mr. Kaniho offered a Resolution, thanking the Speaker of the House for the able, impartial and dignified manner in which he has performed the important duties of the Chair during the Special Session of the Legislature, (House Res. No. 6), as follows:

RESOLUTION.

RESOLVED, that the thanks of this House be presented to Honorable H. L. Holstein, Speaker of the House of Representatives, for the able, impartial and dignified manner in which he has presided over its deliberations and performed the arduous and important duties during the present Special Session of the House of Representatives.

H. M. KANIHO,
Representative, Second District.
Honolulu, November 6, 1909.

Mr. Kaniho moved that the Resolution be adopted. Seconded by Mr. Douthitt.

Thereupon Mr. Speaker called to the Chair Representative Sheldon, who immediately put the motion to the House, and the Resolution was unanimously adopted amid applause.

Upon taking the Chair, Mr. Speaker thanked the Members of the House for their kind sentiment and appreciation, and complimented them for the expeditious and businesslike manner in which the work of the House has been conducted.

Mr. Kaleiopu presented a Resolution, requesting the Chair to appoint a Committee of Five to notify the Senate and the Governor that the House is ready to adjourn sine die, (House Res. No. 7), as follows:

RESOLUTION.

BE IT RESOLVED by the House of Representatives of the Special Session of 1909, that a Committee of Five be appointed by the Chair to notify the Senate and the Governor that the House stands ready to adjourn sine die.

A. S. KALEIOPU,
Representative, Fifth District.
Honolulu, November 6, 1909.

On motion by Mr. Kawewehi, seconded by Mr. Nakaleka, the Resolution was adopted.

Whereupon the Chair appointed, as such Committee, Representatives Kaleiopu, Kealawaa, Nawahine, Affonso and Coney.

At 2:15 o'clock P. M., a Committee from the Senate arrived and informed the House of the completion of all business before that Body and of its readiness to adjourn sine die.

At 2:20 o'clock P. M., the House Committee returned and reported verbally that the Senate was ready to adjourn sine die, and that the Governor had no further business to present to the Legislature.

On motion by Mr. Sheldon, seconded by Mr. Douthitt, the report of the Committee was adopted.

The Clerk read a communication from the Senate, transmitting Senate Concurrent Resolution No. 5, (Sen. Com. No. 14), as follows:

THE SENATE OF THE TERRITORY OF HAWAII.

Honolulu, T. H., November 6, 1909.

The Honorable Speaker and
Members of the House of Representatives
of the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith Senate Concurrent Resolution No. 5, which was on the 5th day of November, 1909, adopted in the Senate of the Territory of Hawaii.

Very respectfully,

JOHN H. WISE,
Clerk of the Senate.

The communication was received and placed on file.

Consideration of Senate Concurrent Resolution No. 5, relating to public lands at Lahaina, Maui, held by private parties, as follows:

CONCURRENT RESOLUTION.

WHEREAS, prior to and at the time of the Grand Mahele of Lands in the Kingdom of Hawaii, and thereafter during the labors of the Commissioners to Quiet Titles appointed in pursuance of the Act to Organize the Executive Departments

of the Hawaiian Islands, approved April 27, 1846, certain of the lands of the Hawaiian Kingdom, situate at Lahaina, Maui, which were intended to have been awarded to private claimants under said Act, but which were not specifically so awarded, were used and occupied and have ever since continued to be used and occupied as private holdings under claims of ownership therein by private parties; and

WHEREAS, the parties then respectfully so using, occupying and claiming the same, and their successors in claim and estate have, in many instances, continued, thence to the present time, to exercise all the functions of private ownership therein, and to pay taxes thereon to the Government, as assessed from year to year during many years past; and

WHEREAS, such said claimants respectively have in good faith held, and paid taxes upon, such lands in the belief that they were legally entitled to claim and hold the same; and

WHEREAS, the Governor of the Territory has directed the Attorney-General of the Territory to institute proceedings of ejectment against the parties above referred to; and

WHEREAS, it would be inequitable to now disturb them in their possession thereof and claims therein, and it is desirable that their rights therein should be recognized by law: Now Therefore Be It

RESOLVED that it is the sense of the Legislature of the Territory of Hawaii, in Special Session assembled, that the parties holding the lands as hereinabove referred to be not disturbed in their possession thereof and claims therein until the present land laws are modified or amended so as to enable them to perfect their title under more favorable and just considerations; Be It Further

RESOLVED that certified copies of this Resolution be transmitted to the Governor of the Territory, the Attorney-General and the Commissioner of Public Lands

W. J. COELHO,
Senator, Second District.

On motion by Mr. Kaleiopu, seconded by Mr. Huddy, the Senate Concurrent Resolution was tabled.

The Clerk, having completed the minutes of this day's proceedings, read the same, and they were approved as read.

At 2:30 o'clock P. M., Mr. Coney moved to adjourn sine die. Seconded by Mr. Correa and carried, after Prayer by the Chaplain.

Edward Woodward.

Clerk, House of Representatives.

Approved:

S. L. Holstein

Speaker.

STATEMENT OF EXPENSES

HOUSE OF REPRESENTATIVES

SPECIAL SESSION OF 1909

Warrant No.		Amounts.	Totals.
	Mileage:		
1	M. P. Waiwaiole	$ 20.40	
2	W. J. Sheldon	25.20	
3	Chas. A. Rice	20.00	
4	R. J. K. Nawahine	20.40	
5	J. W. Nakaleka	15.40	
6	J. W. Moanauli	36.40	
7	M. K. Makekau	34.40	
8	Ruel Kinney	11.40	
9	J. W. Kawaakoa	29.20	
10	M. K. Kealawaa	45.80	
11	H. L. Kawewehi	35.40	
12	H. M. Kaniho	34.20	
13	Geo. H. Huddy	20.00	
14	H. L. Holstein	34.20	
15	J. K. Hihio	16.20	
16	M. T. Furtado	36.40	
17	J. H. Coney	20.00	
18	E. B. Carley	20.80	
19	G. F. Affonso	45.80	$ 521.60
	Compensation:		
20	G. F. Affonso	$ 200.00	
21	E. B. Carley	200.00	
22	A. D. Castro	200.00	
23	J. C. Cohen	200.00	
24	J. H. Coney	200.00	
25	S. P. Correa	200.00	
26	E. A. Douthitt	200.00	
27	M. T. Furtado	200.00	
28	J. K. Hihio	200.00	

Warrant No.		Amounts.	Totals.
	Compensation (continued):		
29	Geo. H. Huddy	200.00	
30	A. S. Kaleiopu	200.00	
31	D. K. Kama	200.00	
32	D. Kamahu	200.00	
33	J. K. Kamanoulu	200.00	
34	H. M. Kaniho	200.00	
35	J. W. Kawaakoa	200.00	
36	H. L. Kawewehi	200.00	
37	M. K. Kealawaa	200.00	
38	Ruel Kinney	200.00	
39	E. L. Like	200.00	
40	E. A. C. Long	200.00	
41	M. K. Makekau	200.00	
42	J. W. Moanauli	200.00	
43	J. Nakaleka	200.00	
44	R. J. K. Nawahine	200.00	
45	Chas. A. Rice	200.00	
46	W. J. Sheldon	200.00	
47	R. W. Shingle	200.00	
48	M. P. Waiwaiole	200.00	
49	H. L. Holstein	200.00	$ 6,000.00
	Pay of Officers:		
53	S. W. Kahiona	$ 20.00	
54	James Apao	22.50	
55	Harry Kahale	25.00	
56	Edward Woodward	50.00	
57	Robert N. Boyd	50.00	
58	W. N. Lono	75.00	
61	Edwin K. Fernandez	25.00	$ 267.50
	Translation:		
59	Solomon Hanohano	$ 2.75	
60	F. J. Testa	2.73	$ 5.48
	Stationery and Supplies:		
50	Hawaiian News Co.	$ 3.00	
51	Hawaiian News Co.	2.60	
52	Hawaiian News Co.	57.30	
62	A. B. Arleigh & Co.	7.80	
63	Hawaiian News Co.	2.25	

Warrant No.		Amounts.	Totals.
	Stationery and Supplies (continued):		
71	Amer.-Hawn. Paper & Supply Co.....	6.39	
72	Hawaiian Electric Co.	1.80	
64	Theo. H. Davies & Co.	21.20	
68	Hawaiian Gazette Co.	42.25	$ 144.59
	Typewriting:		
65	Bernice K. Dwight .....$	35.75	
66	Henry Van Giesen	9.40	
67	Henry Van Giesen	5.00	$ 50.15
	Printing:		
80	Hawn. Star Newspaper Assn.		$ 6.00
	Auto Hire:		
70	Auto Livery		25.00
	Telephone:		
75	Mutual Telephone Co.		5.00
	Ice:		
76	Barnhart Ice Co.		.75
	House Journal:		
69	Hawn. Gazette Co., Advertising specifications for printing of Journal .....$	14.25	
73	Edward Woodward, Services as Clerk, 6 days @ $10.00	60.00	
74	Edward Woodward, Compiling and Typewriting of Journal, 107 pages @ $.40..	42.80	
77	Hawn. Gazette Co., Binding of Typewritten Journal	10.50	
78	Edward Woodward, Services as Clerk, 4 days @ $10.00	40.00	
79	E. A. Mott-Smith, Postage Stamps for mailing Printed Journal to Members and others	15.00	
81	Paradise of the Pacific, Printing and Binding of Journal, as per specifications, 80 pages @ $2.10	168.00	
82	Paradise of the Pacific, Labeling 37 copies of Printed Journal @ .50.....	18.50	
83	Edward Woodward, Compiling, Proofreading and Indexing of Journal, 80 pages @ $1.00	80.00	449.05
	Total Expenses of the Session.....		$ 7,475.12

RECAPITULATION.

Mileage	$ 521.60
Compensation	6,000.00
Pay of Officers	267.50
Translation	5.48
Stationery and Supplies	144.59
Typewriting	50.15
Printing	6.00
Auto Hire	25.00
Telephone	5.00
Ice	.75
House Journal	449.05
Total Expenses, as above	$ 7,475.12

SUMMARY.

Appropriation for Expenses of the Special Session of the House, under Act 1	$10,000.00
Total Expenses, as above	7,475.12
Balance in Public Treasury	$ 2,524.88

E. O. E.

EDWARD WOODWARD,

Clerk, House of Representatives.

Honolulu, T. H., November 18, 1909.

ORDER OF INDEX

	Page
Acts	68
Bill, House	68
Bills, Senate	68
Communications, Departmental	68
Communications, Senate	69
Concurrent Resolutions, House	69
Concurrent Resolutions, Senate	70
Joint Resolution	70
Joint Resolution, House	71
Message from the Governor	71
Resolutions	71
Report, Special Committee	72
Report, Standing Committee	72

INDEX

ACTS.

Act No.	Equivalent Bill.	Page
1	H. B. No. 1	56
2	S. B. No. 1	56

HOUSE BILL.

No.	Introduced by	Title.	Page
1	Rep. Kaleiopu:	An Act to appropriate money for the purpose of defraying the expenses of the Special Session of the House of Representatives of the Legislature of the Territory of Hawaii, 1909	15, 27, 29-30, 53, 56

SENATE BILLS.

No.	Introduced by	Title.	Page
1	Senator Coelho:	An Act making special appropriations for the purpose of defraying the expenses of the Special Session of the Senate of the Legislature of the Territory of Hawaii of the year 1909	33, 35, 36, 53, 56
3	Senator Coelho:	An Act to amend Chapter 102 of the Revised Laws of Hawaii as amended by Act 96 of the Session Laws of 1907 by adding a proviso to Sections 1418G and 1418H thereof	44
6	Senator Coelho:	An Act for the relief of persons released from the Leper Settlement at Molokai	46

DEPARTMENTAL COMMUNICATIONS.

No.	From.	Subject Matter.	Page
1	Claudius H. McBride, Secretary to the Governor:	Transmitting copy of Proclamation convening the Legislature in Special Session on November 2, 1909	1-2

DEPARTMENTAL COMMUNICATIONS.—Continued.

No.	From Subject Matter.	Page
2	Claudius H. McBride, Secretary to the Governor: Acknowledging receipt of letter concerning the organization of the House	6
3	E. A. Mott-Smith, Secretary of Hawaii: Asking for a copy of the minutes of each day's proceedings of the House	23
4	E. A. Mott-Smith, Secretary of Hawaii: Informing the House of the signing by the Governor of Acts 1 and 2	56
5	E. A. Mott-Smith, Secretary of Hawaii: Informing the House of the signing by the Governor of Joint Resolution No. 1	56

SENATE COMMUNICATIONS.

No.	Subject Matter.	Page
1	Informing of the organization of the Senate	5-6
2	Transmitting Senate Concurrent Resolution No. 1	30
3	Transmitting Senate Bill No. 1	33
4	Returning House Concurrent Resolution No. 1, amended	37
5	Transmitting Senate Bill No. 3	44
6	Transmitting Senate Bill No. 6	45-46
7	Transmitting Senate Concurrent Resolutions Nos. 2 and 6	47
8	Returning House Concurrent Resolution No. 3	49
9	Transmitting Senate Concurrent Resolution No. 3	49-50
10	Returning House Joint Resolution No. 1	52-53
11	Returning House Bill No. 1	53
12	Transmitting Senate Concurrent Resolution No. 7	54
13	Returning House Concurrent Resolution No. 5	57-58
14	Transmitting Senate Concurrent Resolution No. 5	60

HOUSE CONCURRENT RESOLUTIONS.

No.	Presented by Subject Matter.	Page
1	Rep. Rice: Amendments to the Organic Act of Hawaii	17-23, 24, 28, 31, 32, 33, 34, 37, 38-44

HOUSE CONCURRENT RESOLUTIONS.—Continued.

No.	Subject Matter.	Page
2	Rep. Like: Asking for an appropriation for the care of persons released from the Leper Settlement	24-25, 45
3	Rep. Cohen: Protesting against the regulation of local liquor traffic by Congress	26-27, 36, 49
4	Rep. Cohen: Suspension of Coastwise Laws	51-52, 55
5	Rep. Sheldon: Adjournment of both Houses, Nov. 6, 1909, at 2:30 P. M.	52, 57

SENATE CONCURRENT RESOLUTIONS.

No.	Presented by	Subject Matter.	Page
1	Senator Coelho:	Requesting the School Fund Commission to investigate methods of endowing colleges	30-31, 45
2	Senator Harvey:	Turning over of Post Office Building at Honolulu to the City and County of Honolulu	47, 48
3	Senator Harvey:	Requesting Commissioner of Public Lands to withhold exchange of public lands	49, 50, 57
5	Senator Coelho:	Allowing claimants to certain public lands at Lahaina, Maui, to hold the same undisturbed	60-61
6	Senator Harvey:	Setting aside of public land for leprous persons released from the Leper Settlement	47, 48
7	Senator Coelho:	Asking for a fund for the relief of indigent persons	54-55

JOINT RESOLUTION.

Jt. Res. No.	Equivalent Resolution.	Page
1	House Joint Resolution No. 1	56

HOUSE JOINT RESOLUTION.

No.	Presented by	Subject Matter.	Page
1	Rep. Castro:	Appointment of Commission on Advances to Homesteaders	15-16, 17, 27-28, 31, 53, 56

MESSAGE FROM THE GOVERNOR.

No.	Subject Matter.	Page
1	Proposed Amendments to the Organic Act of the Territory of Hawaii	7-15, 24

RESOLUTIONS.

No.	Presented by	Subject Matter.	Page
1	Rep. Sheldon:	Election of Officers, Appointment of Committees, and other matters	3
2	Rep. Sheldon:	Disposition of Bills other than the proposed amendments to the Organic Act of Hawaii	35
3	Rep. Affonso:	Authorizing the Speaker and the Chairman of Committee on Public Expenditures and Accounts to pass on all claims against the House after its adjournment sine die	36-37
4	Rep. Coney:	Requesting Committee on Military to arrange for a visit to Pearl Harbor Drydock by members of the House	46
5	Rep. Kaleiopu:	Allowing the Clerk of the House extra compensation for filing of records and preparation of House Journal	58
6	Rep. Kaniho:	Thanking the Speaker of the House for the able and impartial manner in which he performed the duties of the Chair	59

RESOLUTIONS.—Continued.

No.	Subject Matter.	Page
7	Rep. Kaleiopu: Appointment of Committee to notify the Senate and the Governor of the readiness of the House to adjourn sine die	59

SPECIAL COMMITTEE REPORT.

No.	Presented by	Subject Matter.	Page
1	Rep. Cohen, for Committee of the Whole:	Recommending adoption of House Concurrent Resolution No. 1 with certain amendments	32

STANDING COMMITTEE REPORT.

No.	Presented by	Subject Matter.	Page
1	Rep. Long, for Committee on Education:	Recommending adoption of Senate Concurrent Resolution No. 1	45

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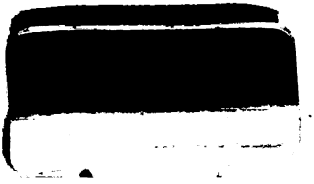
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